

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Capitol Records, LLC; Caroline Records, Inc.;	:	
Virgin Records America, Inc.; EMI Blackwood	:	
Music, Inc.; EMI April Music, Inc.; EMI Full	:	
Keel Music, Inc.; EMI Virgin Music, Inc.; EMI	:	INDEX No. 08 CV 5831 (HB)
Robbins Catalog, Inc.; EMI Waterford Music,	:	ECF CASE
Inc.; EMI Grove Park Music, Inc.; Colgems-	:	
EMI Music, Inc.; and EMI Virgin Songs, Inc.,	:	<i>Oral Argument Requested</i>
Plaintiffs,	:	NOTICE OF MOTION
vs.	:	
VideoEgg, Inc.; hi5 Networks, Inc.; and Does	:	
1-10.,	:	
Defendants.	:	
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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Affidavit of Ramu Yalamanchi, executed on July 31, 2008, and Affirmation of Emma Terrell, executed on July 31, 2008, Defendant hi5 Networks, Inc., by its counsel Cooley Godward Kronish LLP, will move this Court before the Honorable Harold Baer, Jr., United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, on a date and time to be determined, for an order dismissing the Complaint in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(3) or, alternatively, for an order transferring venue to the Northern District of California pursuant to 28 U.S.C. §§ 1404 and 1406.

Dated: New York, New York
July 31, 2008

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2008, the foregoing Rule 7.1 Statement, Notice of Motion, Memorandum of Law in Support of hi5 Networks, Inc.'s Motion to Dismiss or, Alternatively, to Transfer Venue, and supporting Affidavit of Ramu Yalamanchi and Affirmation of Emma Terrell were filed via CM/ECF, which will provide electronic copies and notification of filing to the counsel listed below. Courtesy copies were sent via electronic mail.

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/s/ Emma Terrell
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